

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
)
V.) CASE NO: 3:07-cr-79-WKW
)
JAN PUGH THOMPSON)

NOTICE OF EXHIBITS IN SUPPORT OF SENTENCING POSITION

COMES NOW the Defendant, **Jan Pugh Thompson**, by and through undersigned counsel, Christine A. Freeman, Esquire, and gives notice of the filing of the following exhibits in support of her sentencing position:

TABLE OF EXHIBITS

Exhibit Number Exhibit Name

Education & Employment History

1. Photograph of Mrs. Thompson While a Student at Auburn High School;
2. Mrs. Thompson's Auburn High School Senior Portrait, Taken in 1977;
3. Mrs. Thompson's Auburn High School Diploma;
4. Mrs. Thompson 1981 Auburn University College Graduation Photograph;
5. Newspaper Article on Mrs. Thompson Being Named One of the "Top Forty under Forty" Realtors in Alabama;

Medical History

6. Hughston Orthopedic Clinic Doctor's Notes re: Mrs. Thompson's resulting injuries from a car accident, dated February 28, 2005;

7. Hughston Orthopedic Hospital Medical History notes re: Mrs. Thompson's posttraumatic osteoarthritis of the left hip and medical history, dated March 18, 2005;
8. East Alabama Medical Center Medical notes re: Mrs. Thompson's dislocated left hip, dated May 26, 2005;
9. Hughston Orthopedic Clinic Doctor's Notes re: Mrs. Thompson's preop doctor's visit and diagnosis, dated June 15, 2005;
10. Hughston Orthopedic Clinic Doctor's Notes re: Mrs. Thompson's complicated recovery following a hip operation, dated October 17, 2006;

Family Photographs

11. Photograph of Mrs. Thompson's Parents, Hazel and Harvey Johnston, on Their Wedding Day in 1955;
12. Photograph of Mrs. Thompson's Mother and Step-father Hazel Johnston Lee and McDowell Lee;
13. Photograph of Mrs. Thompson with Her Brother and Sister, Scott and Joy, in 1996;
14. Photograph of Mrs. Thompson's Children: Haley, at Age Twelve; Mitchell, at Age Ten; and Peyton, at Age Five;
15. Photograph of Mrs. Thompson with Her Children at Her Son's High School Graduation in 2004;
16. Photograph of Mrs. Thompson's Granddaughter, Ansley Elizabeth Scheiblauer;
17. Photograph of Mrs. Thompson with Her Children and Granddaughter in April of 2007.

Respectfully submitted,

s/Christine Freeman
CHRISTINE A. FREEMAN
TN BAR NO.: 11892
Attorney for Jan Thompson
Federal Defenders
Middle District of Alabama
201 Monroe Street, Suite 407
Montgomery, AL 36104
TEL: (334) 834-2099
FAX: (334) 834-0353
E-Mail: Christine_Freeman@fd.org

IN THE UNITED STATES DISTRICT COURT FOR THE
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UNITED STATES OF AMERICA)
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V.) CASE NO: 3:07-cr-79-WKW
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JAN PUGH THOMPSON)

CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2008, I electronically filed **EXHIBITS IN SUPPORT OF SENTENCING POSITION** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: **Nathan Stump**, Esquire, Assistant United States Attorney, 131 Clayton Street, Montgomery, Alabama 36104.

s/Christine A. Freeman
CHRISTINE A. FREEMAN
TN BAR NO.: 11892
Attorney for Jan Thompson
Federal Defenders
Middle District of Alabama
201 Monroe Street, Suite 407
Montgomery, AL 36104
TEL: (334) 834-2099
FAX: (334) 834-0353
E-Mail: Christine_Freeman@fd.org

EDUCATION & EMPLOYMENT HISTORY

Photograph of Mrs. Thompson while a student at Auburn High School.



DEFENDANT'S
EXHIBIT

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Miss Jan Johnston, Jan's model of the week, is a vivacious young lady with a great personality. A sophomore at Auburn High School, Jan is a member of the Auburn Hi Marching and concert Band, also serves on the Annual Staff and Student Council. She is also a member of the First Baptist Church. Her main interest are diving, swimming, trampoline and twirling. She's one who's always in the winner's circle, and a winner she is, in this coordinated blue plaid blazer with matching pants and contrasting shell - from the collection by Tabbies.

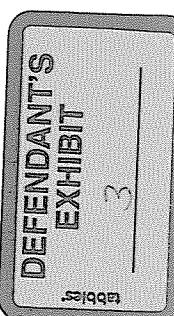
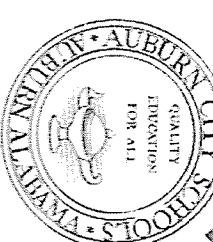
**Mrs. Thompson's Auburn High School
senior portrait, taken in 1977**



**DEFENDANT'S
EXHIBIT**

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A U B U R N
C I T Y
S C H O O L S

This Certificate of

Jean Elizabeth Johnson

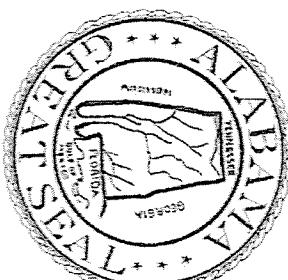
Has satisfactorily completed the Course of Study prescribed by the Alabama State Board of Education, the Southern Association of Colleges and Schools, and the Auburn City Board of Education and is therefore awarded this

Diploma

Given this 3rd day of June, nineteen hundred and eighty-seven.

J. Hill
President of Board of Education

Allen W. Clegg
Superintendent



Mrs. Thompson's 1981 Auburn University
College Graduation Photograph



AUBURN UNIVERSITY
Graduation
August 28, 1981

DEFENDANT'S
EXHIBIT

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REALTOR®

A Publication of the Alabama Association of REALTORS®

March 1993 ■ Volume 29, No. 2

JAN JOHNSTON PUGH

Jan Pugh, 33, of Lee County was an interior designer when she decided to extend her interest to the sales side of real estate.

Since earning her license in 1990, the agent with Joan Penrod Real Estate has garnered million dollar club honors three times, and last year sold a whopping \$3.3 million.

Active in her local board, she was chairman of last year's "Yes You Can Buy a Home in Lee County" campaign.

Married and the mother of three, her immediate goals include earning her broker's license and the GRI designation.

Top Forty Under 40 share secrets of success

Meet 40 of Alabama's finest young REALTORS®.

By SCOTT BRUNNER

They hail from all over the state. Big cities. Small towns. Major franchise firms. Family-run agencies.

Some specialize in residential, some commercial. A few are into appraisal or property management. A couple have even practiced law on occasion.

They're Alabama's 1993 Top 40 REALTORS® Under 40, and they're all smashing successes—each in his own way.

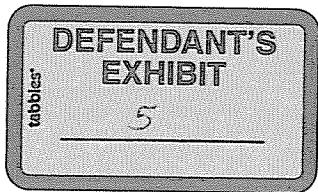
Chosen by a panel of judges from among more than 90 nominees, these 40 REALTORS® have distinguished themselves in their personal, professional and civic endeavors.

Some are top producers. Some are community activists. Some are trailblazing leaders; others, hard-working followers. All are exceptional.

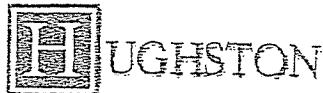
"This group represents the finest young talent in Alabama real estate," said AAR President Howard Garrison. "It's mind-boggling when you consider all they've already accomplished in their personal and professional lives—and they're not yet 40 years old."

For a complete look at this first-ever class of Top 40 honorees and to learn the secrets of their success, see the profiles starting on page 10. ■

Newspaper article on Mrs. Thompson being named one of the
"Top Forty Under 40" Realtors in Alabama



MEDICAL HISTORY



16912_20050228
 THOMPSON, JAN
 MR# 16912
 MAIN CLINIC
 02/28/05

CHIEF COMPLAINT: LEFT HIP PAIN.

HISTORY: The patient is referred today by Doctor McAlindon from the auburn clinic. Ms. Thompson is a pleasant, 45-year-old who suffered a motor vehicle accident in November 2003. She suffered multiple injuries, including a right knee open laceration that subsequently became infected with staph aureus, a liver laceration, splenic laceration, six broken ribs and a possible dislocation of her left hip, although this was never diagnosed formally. The patient has had pain in her left hip and a sense of instability ever since that time. She was diagnosed with avascular necrosis of the left hip in March 2004. In July 2004, she underwent a core decompression by Doctor McAlindon. Unfortunately, she never had relief from this. She has had progressive pain requiring around the clock narcotic use to keep up with her three teenaged children.

PAST MEDICAL HISTORY: As above.

PAST SURGICAL HISTORY: Hysterectomy, bladder repair, tubal ligation, gastric bypass, cholecystectomy and core decompression of the left hip as described above.

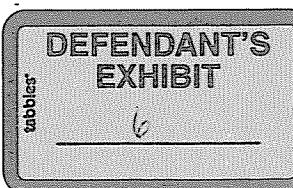
CURRENT MEDICATIONS: Evoxac, Reglan, Protonix and Effexor.

ALLERGIES: No known drug allergies.

SOCIAL HISTORY: The patient reports moderate wine use, but denies tobacco use.

EXAM: In general, the patient is a pleasant female who is in no acute distress. HEENT: Sclerae are nonicteric. Thyroid is supple. Heart has regular rate and rhythm without murmur, rubs or gallops. Lungs are clear to auscultation bilaterally. The abdomen is soft, non-tender and nondistended. The bilateral lower extremities are grossly motor and sensory intact. She has a complex healed laceration of her right knee. She has palpable pulses in the bilateral lower extremities. Examination of the left hip is per the hip sheet. She has painful end range flexion, internal rotation and abduction with a popping sensation that is not audible.

IMAGING: Per Doctor Savory's note: AP pelvis and lateral of the left hip from Auburn reveal what appears to be osteonecrosis of the femoral head, Ficat stage 4. On the lateral, there is significant collapse.



HUGHSTON ORTHOPEDIC HOSPITAL
100 FRIST COURT
COLUMBUS, GA 31908

HISTORY AND PHYSICAL

Patient Name: THOMPSON, JAN P
Account Number: X00200305096
MRN number: 000000X000080581

Admit Date: 03/09/05
Room/Bed: 203

ATTENDING PHYSICIAN: Carlton G Savory, MD
DATE OF SURGERY: 03/18/05

ADMISSION DIAGNOSIS:
Posttraumatic osteoarthritis, left hip.

CHIEF COMPLAINT/REASON FOR ADMISSION:
Left hip pain.

HISTORY OF PRESENT ILLNESS:

Ms. Jan Thompson is a pleasant 45-year-old who was involved in a motor vehicle accident in 2003. She subsequently developed avascular necrosis of her left femoral head. She underwent a core decompression in 2004 by Dr. McClendon in Auburn. Unfortunately, the patient had progressive femoral head collapse as well as acetabular surface degeneration that has caused significant pain and loss of function, which has failed conservative therapy. Patient was counseled by Dr. Savory as to the indications, alternatives, risks, and possible complications of the left total hip replacement. The patient understands, accepts the risks, and consented for surgery. She will be followed by Dr. LaHouse while in the hospital.

PAST MEDICAL HISTORY:

Unremarkable.

PAST SURGICAL HISTORY:

Hysterectomy, bladder repair, tubal ligation, gastric bypass, cholecystectomy, core decompression left hip.

SOCIAL HISTORY:

The patient reports occasional alcohol use, no tobacco use.

ALLERGIES:

NO KNOWN DRUG ALLERGIES.

CURRENT MEDICATIONS:

Evoxac, Reglan, Protonix, Effexor.

PHYSICAL EXAMINATION:

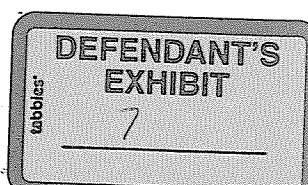
GENERAL: A pleasant female in no acute distress. The patient walks with an antalgic gait secondary to left hip pain.

HEENT: Sclerae nonicteric. Thyroid is supple.

HISTORY AND PHYSICAL

Page 1 of 2

COPY



Patient Name: THOMPSON, JAN P
Account Number: X00200305096
MRN number: 00000X000080581

HEART: Regular rate and rhythm, no murmurs, rubs, or gallops.
LUNGS: Clear to auscultation bilaterally.
ABDOMEN: Soft, nontender, nondistended.
EXTREMITIES: Bilateral lower extremities grossly neurovascularly intact with full motor and sensory function. Patient has palpable pulses in the dorsalis pedis and posterior tibial artery distribution. She has a brisk capillary refill. The skin over the left hip is clean, dry and intact. Her leg lengths are approximately equal. Extremity left hip range of motion shows flexion to 120 degrees, abduction 30 degrees, adduction 20 degrees, external rotation 30 degrees, internal rotation 10 degrees.

DICTATED BY: Luther Wolff, PA

CGS:Spheris19493
D: 03/18/05 08:55 T: 03/18/05 09:59 DOCUMENT: 200503180049688800


Carlton G Savory, MD

HISTORY AND PHYSICAL

Page 2 of 2

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COPY

Alabama Medical Center 1(334)858-5333 Page 23 of 37

16917

East Alabama Medical Center

2000 Pepperell Parkway
Opelika, Alabama 36801

THOMPSON, JAN

MRN: 0000530919

Financial #: 0514600002

DOB: 7/30/1959 Age: 45 years Sex: Female

Admit Date/Time: 5/26/2005 12:22:00 AM

Discharge Date/Time: 5/26/2005 3:02:00 PM

Location: ED

Patient Type: IP

Chart Copy to DR: Lyle, James E

OPERATING ROOM

PATIENT NAME: THOMPSON, JAN

DATE OF SURGERY: 5/26/05

PREOPERATIVE DIAGNOSIS: dislocated left total hip arthroplasty

POSTOPERATIVE DIAGNOSIS: Same

PROCEDURE: closed reduction requiring anesthesia left total hip dislocation

SURGEON: Dr. James Lyle

ANESTHESIA: LMA

ESTIMATED BLOOD LOSS: none

COMPLICATIONS: none

INDICATIONS: Ms. Thompson is a 45 year-old female who is a couple of months out from a total hip arthroplasty on the left hip. She's actually dislocated two times and these have been successfully reduced. Last night she did this again and she is now here for another closed reduction of the dislocation. She understands all of the risks, benefits, and alternatives of all of this and wishes to proceed. These include but are not limited to risks of anesthesia, risks of continued dislocation, etc.

PROCEDURE: the patient was taken to the Operating Room and after adequate LMA anesthesia was administered and excellent relaxation was obtained a time-out was done to confirm that this was the correct extremity. The hip was flexed, rotated, and some longitudinal traction was applied and we did obtain a clunk. Thereafter, the leg length on the left side was greater than the right side. An x-ray was then taken and did reveal successful relocation of the femoral head into the acetabulum cup. The patient tolerated the procedure

Print Date/Time: 6/2/2005 8:21 PM

Page 1 of 2

MRN: 0000530919
Financial #: 0514600002

THOMPSON, JAN

DEFENDANT'S
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East Alabama Medical Center 1(505)355-8838 Page 24 of 37

East Alabama Medical Center

Operatives Report

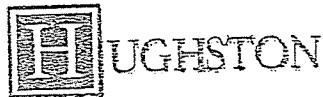
well and was then transported to the Recovery Room. A regular pillow was placed in between the knees.

Authenticated By: James E Lyle
On 06/02/05 11:06

TR: SUSAN G NOBLES
DD: 05/26/05 TD: 10:20
DJ: 05/27/05 TT: 12:53

Print Date/Time: 6/2/2005 8:21 PM
Page 2 of 2

MRN: 0000530919
Financial #: 0514600002
THOMPSON, JAN

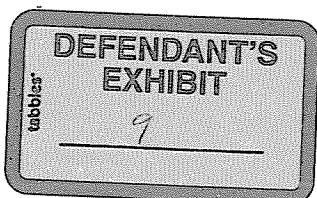


16912_20050815
THOMPSON, JAN
MR# 16912
MAIN CLINIC
06/15/05

PREADMISSION APPOINTMENT: Jan comes in today for a preop appointment. Basically, she had a total hip done in March for posttraumatic osteonecrosis and inflammatory arthritis of her left hip. Two weeks postop, she dislocated and has had two subsequent dislocations since then. She is here for evaluation and surgery tomorrow for instability. I've talked to her about the possibilities, which include lengthening her extremity. She has well-fixed implants, which are in good position. I am not sure if she came out anteriorly or posteriorly, but Doctor McAlindon told her that he thought she came out posteriorly. The cup is, as noted, in good position with slight anteversion. I have told her it may be possible to change just the neck length and this would mean that she would have to wear a lift on the contralateral side, but I think considering the other options, this may be the most advantageous. We will also try to repair the posterior capsular structures. She has been counseled as to the indications, goals, risks and potential complications, including death, serious bodily injury, infection, failure to achieve stability, etc. She solicits the plan and is scheduled for AM surgery pending internal medicine evaluation and laboratory workup.

CARLTON G. SAVORY, M.D.

Dictated but not read.
D: 06/15/05 T: 06/17/05
061505CGSmain.sah





16912_20061017
 THOMPSON, JAN
 MR# 16912
 MAIN CLINIC
 10/17/06

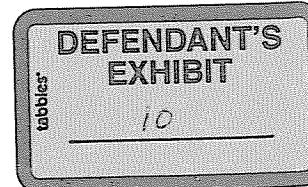
HISTORY: Jan returns today for followup. She has had an extremely complicated course following a relatively routine total hip arthroplasty for posttraumatic osteoarthritis sustained in a motor vehicle accident in November 2003. She developed osteonecrosis of the femoral head. She had a total hip arthroplasty on March 18, 2005. It was complicated in a relatively short postoperative period with dislocation two weeks postop and then had two subsequent dislocations. On June 15, 2005, just three months after her index surgery, she had a hip revision. She did well for a period of time, but then came back about two months because of an abscess. She grew out group B strep. She had an I&D with treatment with IV antibiotics for a period of time and then oral antibiotics. Recently, she has started having some "clicking" and this has gone on to squeaking in the left hip. She has had no recurrent sepsis. We filled out a Harris hip form and it is recorded.

EXAM: When the patient walks, I can hear and palpate a click when she extends. Intermittently, she has a loud "squeak."

IMAGING: An AP pelvis view reveals an uncemented hip arthroplasty in satisfactory position. There is a radiolucency in zones one and two of the acetabulum, which appears to be static. The hip is concentrically reduced and there is no osteolysis.

IMPRESSION: MECHANICAL FAILURE, LEFT HIP REVISION WITH PROBABLE IMPINGEMENT AND SUBLUXATION.

PLAN: I have explained to the patient the nature of her problems. I have showed her the radiographs. I am concerned about some cup loosening and a change in position. I have recommended revision and talked to her about the risks, indications, etc. I think that we should try to do this as soon as possible. I think the stem is in excellent position and well fixed. I am concerned about the sepsis. She needs a sedimentation rate and a CRP preoperatively. We will schedule her and contact her with a date.



FAMILY PHOTOGRAPHS





Photograph of Mrs. Thompson's mother and stepfather:
Hazel Johnston Lee and McDowell Lee

DEFENDANT'S
EXHIBIT

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Photograph of Mrs. Thompson with her brother and sister, Scott and Joy, in 1996



DEFENDANT'S
EXHIBIT

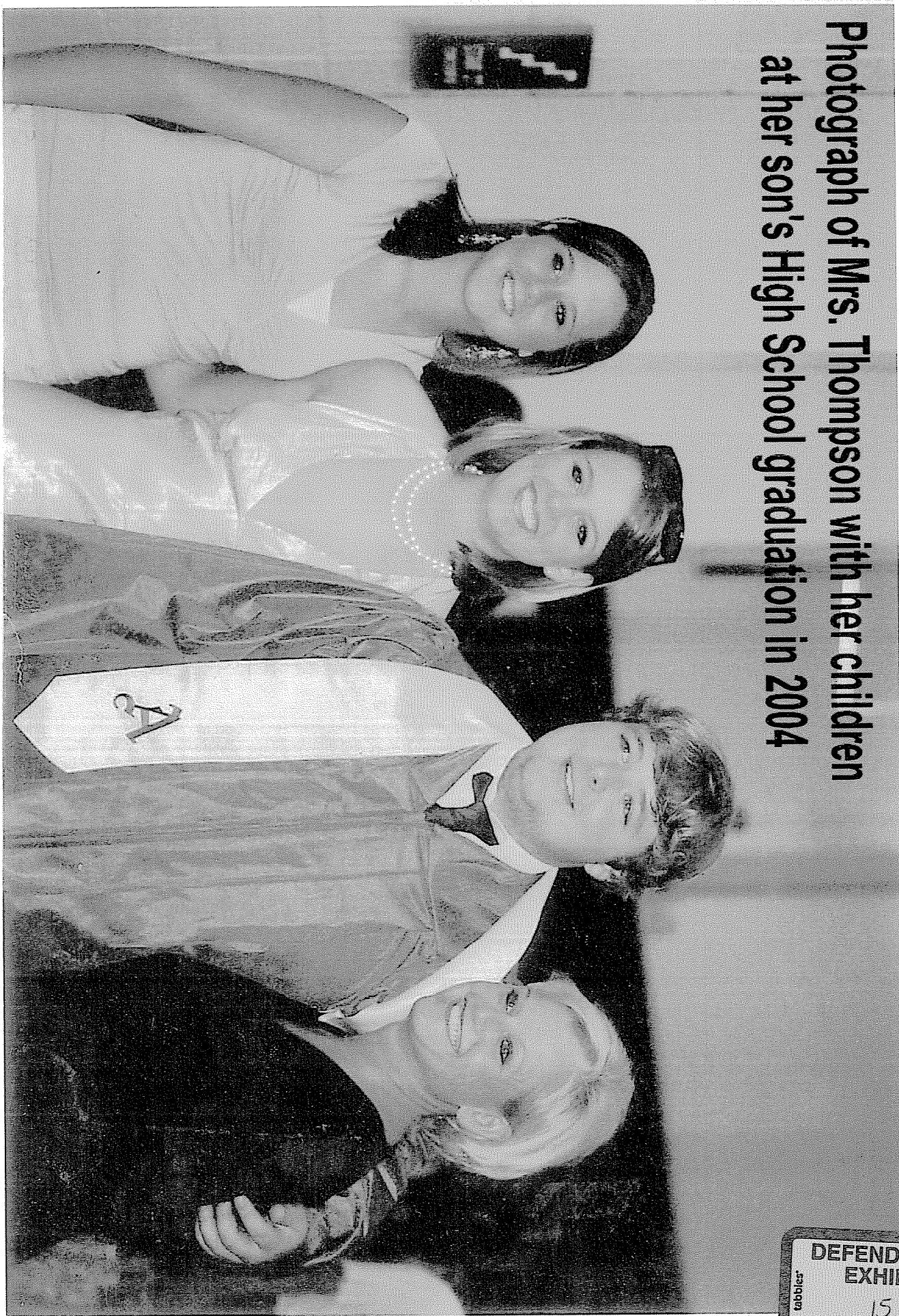
13



Photograph of Mrs. Thompson's children: Haley, at age 12; Mitchell, at age 10; and Peyton, at age 5

DEFENDANT'S
EXHIBIT

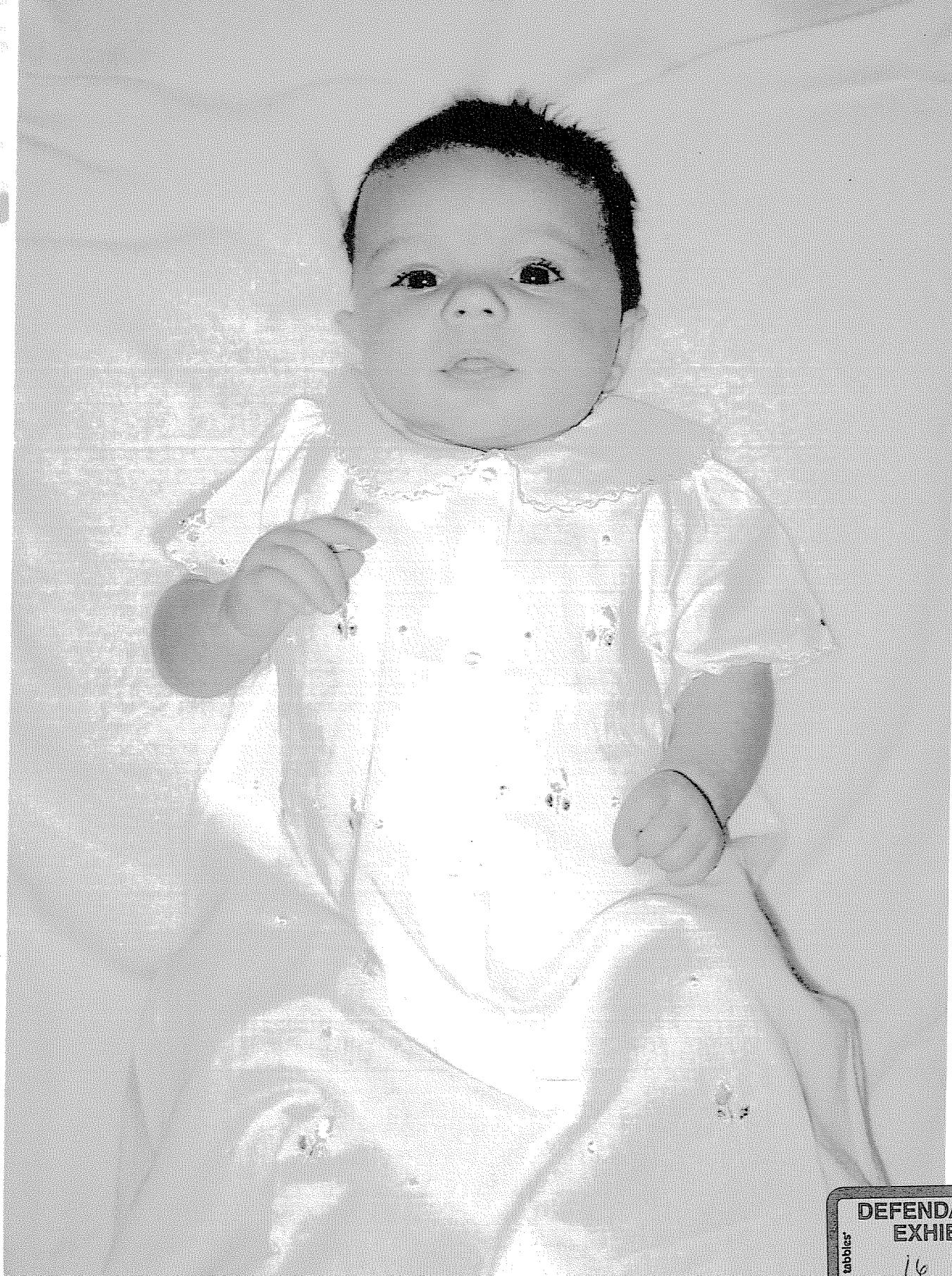
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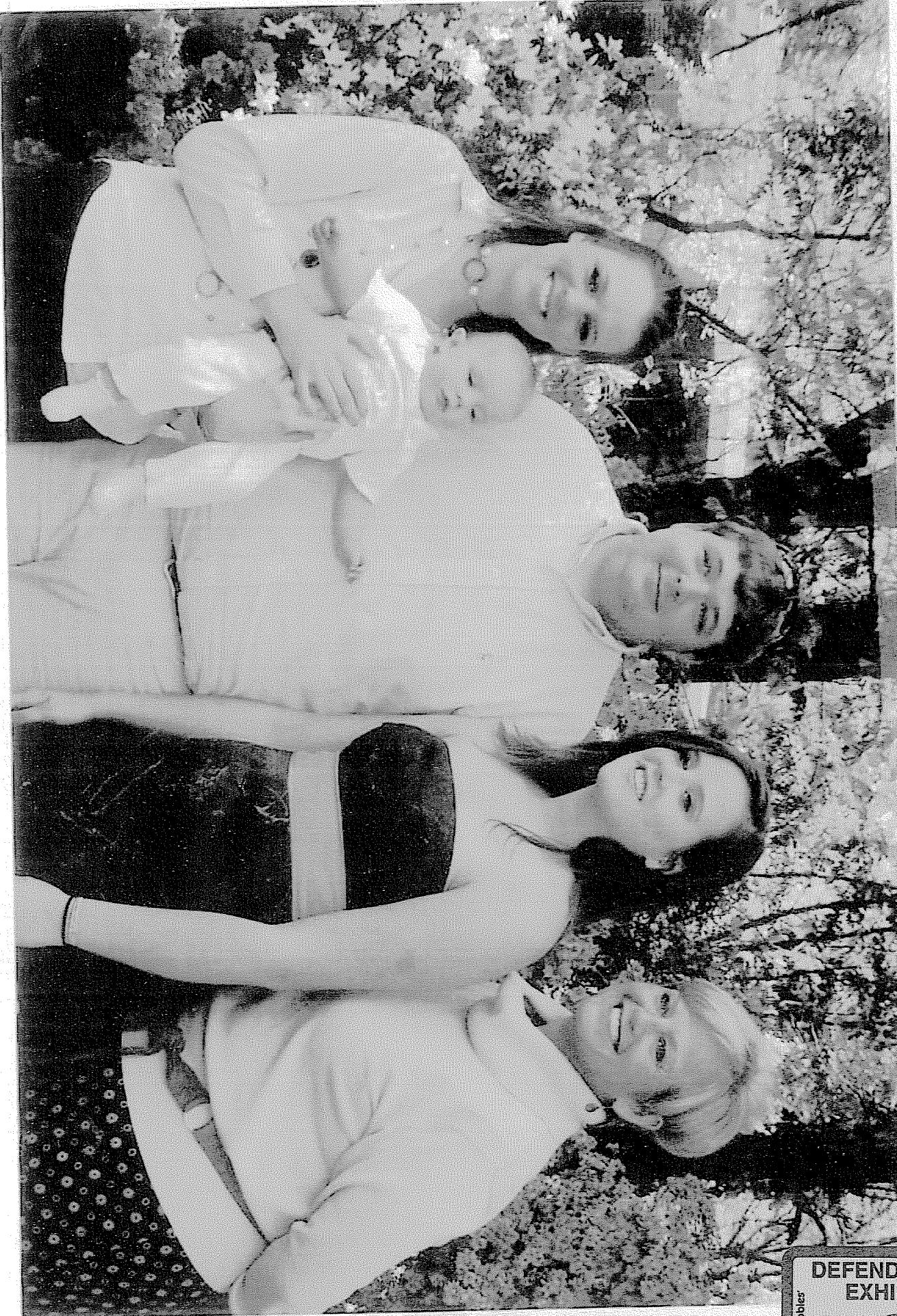
Photograph of Mrs. Thompson with her children
at her son's High School graduation in 2004

DEFENDANT'S EXHIBIT
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**Photograph of Mrs. Thompson's granddaughter,
Ansley Elizabeth Scheiblauer**



DEFENDANT'S
EXHIBIT
16



Photograph of Mrs. Thompson with her children: Peyton, Mitchell, and Haley, and granddaughter Ansley in April of 2007.

DEFENDANT'S
EXHIBIT

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